

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICK MELVILLE,

Plaintiff,

-vs-

Case No. 13-CV-972

JAMES GREER, MR. GOLDEN,
CARRIE SPRANGER, MS. WATTS,
JANE DOES 1-3, DR. JOSEPH,
DR. MURPHY, and DANIELLE FOSTER,

Defendants.

DECISION AND ORDER

The plaintiff has filed a motion for extension of time to conduct discovery. Upon due consideration, this motion will be granted.

He has also filed a motion for order of contempt of court. The plaintiff asserts that the defendants have failed to provide him with more than 25 interrogatories. However, the plaintiff is advised that for the purposes of the 25 interrogatory limit per party, “[p]arties represented by the same attorney or law firm are regarded as one party.” Civil L.R. 33(a)(2)(A) (E.D. Wis.).¹ He also asserts that the defendants refuse to provide free copies of his medical records. According to the plaintiff, the defendants refuse to respond to discovery questions and tell him to go read his medical records, but the records are illegible and defendant Foster

¹ As stated in the Court’s prior Order, “[a] party seeking to serve more than 25 interrogatories may move the Court for permission only after seeking the agreement of the party on whom the additional interrogatories would be served.” (Civil. L.R. 33(a)(3) (E.D. Wis.).

instructed her staff to not help him decipher the writing. As set forth herein, the plaintiff is free to file a motion to compel discovery regarding any specific discovery request.

Next, the plaintiff has filed two motions for reconsideration of the Court's May 30, 2014, Order. In the first motion, he seeks reconsideration of the denial of his motion to be examined by an outside doctor. The plaintiff states that he has been left completely untreated since 2012 and suffers "constant suffering nerve pain" and that the defendants have "tried to put a band-aid on the problem." The defendants are directed to file a response to this motion within the time set forth in the Local Rules. In addition to the plaintiff's contention that he should be seen by an outside doctor, the defendants should address the plaintiff's assertions that he is suffering constant nerve pain.

In his second motion for reconsideration, the plaintiff seeks review of the denial of his motion staying the filing fee order and other discovery matters. The Court denied the plaintiff's motion to stay the filing fee order because collection of the filing fee is mandated by statute and the Court does not have discretion to alter the collection. With regard to discovery, as stated in the Court's May 30, 2014, Order, the Court only becomes involved in the discovery process if a party fails to respond to interrogatories or requests for production of documents. Then, the other party may file a motion to compel discovery with the Court, but only after conferring or attempting to confer with the party failing to make disclosure or discovery. Such an attempt to resolve discovery disputes between parties is required before filing a motion to compel discovery with the Court. The motion should describe these efforts. See Fed. R. Civ. P 37(a); Civil L. R. 37 (E.D. Wis.). If the plaintiff wants the Court to rule on discovery disputes

he is having with the defendants, he must file a motion to compel discovery and indicate specific discovery requests. Based on the foregoing, the plaintiff's second motion for reconsideration and his motion for order of contempt will be denied.

IT IS THEREFORE ORDERED that the plaintiff's motion for order of contempt (Docket # 74) is **denied**.

IT IS FURTHER ORDERED that the defendants file a response to the plaintiff's motion for reconsideration (Docket # 76).

IT IS FURTHER ORDERED that the plaintiff's second motion for reconsideration (Docket # 77) is **DENIED**.

IT IS FURTHER ORDERED that the plaintiff's motion for extension of time (Docket # 78) is **granted**. The Scheduling Order is amended as follows: the deadline for the completion of discovery is **August 25, 2014**, and the deadline for filing dispositive motions is **September 26, 2014**.

Dated at Milwaukee, Wisconsin, this 10th day of June, 2014.

SO ORDERED,



HON. RUDOLPH T. RANDA
U. S. District Judge